

Good Morning Mr. Chairperson and Committee Members

My name is Bob Nommensen. I am representing Sletten Construction Company
We are an employee-owned construction company with corporate offices in Great Falls
We have offices in 5 states, including Arizona and Nevada & are licensed in 12 western states.

EXHIBIT 7
3/23/07
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I am testifying against SB 346 in its current form.

We have serious concerns about two items contained in the bill.

First Concern:

What is "knowingly" and who gets to define it?

We can guess as to the meaning of "KNOWINGLY", however, we recognize that the term means different things to different people (or courts, in the future enforcement of this statute.) The problem is that someone has to interpret "knowingly".

It's no secret there is a severe shortage of workers willing to work in the construction industry. Because of this many "non-traditional" workers are now in the workforce. Maybe they speak with an accent, or don't even speak English on the job, or dress in traditional ways. We employ them anyway because we followed the rules and find that their paperwork shows they are "authorized". This bill leaves too much room for someone else (maybe with an axe to grind) to second guess whether we "knowingly" employed an unauthorized alien down the road.

Why not simply state that the public agency has the right to review the contractor's and subcontractor's Federal Form I-9 files? (The federal government has this authority, conducts these audits, and issues penalties.) If an employee or subcontractor is found to have employed an "unauthorized" alien, then impose a penalty if the paperwork was not in order. This is an "objective" solution, not the "subjective" current wording.

Second Concern:

Subcontractors should abide by the letter of the law when hiring. If they don't, they should be penalized. But the current wording means that if a general contracts with a sub and the sub "knowingly" employs unauthorized aliens, the general will be subject to termination. The general has no rights to verify the sub's paperwork. We can only require them to comply with current laws and regulations. The sub should pay the price, but the general should not.

Please don't misinterpret our opposition to this bill as support for employing unauthorized aliens. We, and the subcontractors we employ, comply with the letter of the law in confirming that our employees are "authorized." But, we also know from our experiences in Arizona & Nevada that someone will have paperwork that looks good, but isn't. We simply shouldn't have to pay a potentially very high price for someone else's falsification of documents.